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Jonathan O. Owens HAVERSTOCK & OWENS LLP 162 North Wolfe Road Sunnyvale, CA 94086				
EXAMINER				
MENDOZA, JUNIOR O				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/658,929

Applicant(s)

LYM, KEVIN

Examiner

JUNIOR O. MENDOZA

Art Unit

2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/06/2009 have been fully considered but they are not persuasive.

Regarding **claims 1, 12, 22, 31, 41, 45, 52, 53 and 54**, applicant argues that Balog does not teach "a routing software to compare the type with a set of values that determine where the digital information is to be transmitted; and detecting one or more secondary devices coupled to the computing device".

However, the examiner respectfully disagrees with the applicant. Huang discloses a system for sorting and organizing content based on the content type, where the content is stored locally in different memory clusters by automatically creating folders based on the media file type, such as audio, image or video, abstract and paragraph [0016]. Moreover, Balog discloses a system and software for routing content in a local network, such as that of figure 6, to different user devices 50 and 48 by implementing a dynamic routing which correlates the content to different device profile values 28, which may be set by a user, paragraphs [0030] [0031] [0040]. Furthermore, Balog teaches distributing content, such as video, audio, photos, etc, to devices 16 after determining the device's availability by establishing which devices are connected to service provider 42 at a given moment, Paragraphs [0023] [0036] figures 5 and 6. Therefore, Balog clearly discloses "a routing software to compare the type with a

*set of values that determine where the digital information is to be transmitted;
and detecting one or more secondary devices coupled to the computing device”.*

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 41** recites the limitation "a routing software" in line 8. The examiner points to line 2 of the present claim, where "a routing software" was already featured. For examining purposes, the examiner will interpret "[the] routing software" in line 8 as referring to the routing software already mentioned in the preamble.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 5, 6 – 9, 11, 12, 16 – 22, 26 – 30, 41 and 52 – 54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (Pub No US 2004/0098379) in view of Balog et al. (Pub No US 2002/0022453). Hereinafter referenced as Huang and Balog, respectively.

Regarding **claim 1**, Huang discloses an apparatus for automatically routing digital information (Paragraph [0016]), comprising:

a. an interface coupled to receive downloaded digital information having a type (Paragraph [0018]);

b. a storage device coupled to the interface to store the digital information (Paragraphs [0016] [0021] also exhibited on fig 3);

a controller coupled to the storage device to automatically sort the digital information based on the type to one or more memory locations (Paragraphs [0016] [0021] also exhibited on figures 3 and 4).

However it is noted that Huang fails to explicitly disclose a routing software to compare the type with a set of values that determine where the digital information is to be transmitted; and selectively transmitting digital information based on the type to one or more secondary devices coupled to a computing device detected by the routing software.

Nevertheless, in a similar field of endeavor Balog discloses a routing software to compare the type with a set of values that determine where the digital information is to be transmitted (Paragraphs [0030] [0031] [0040] figure 6; routing content in a local network of figure 6 by implementing a dynamic routing which correlates the content to device profile values 28);

and selectively transmitting digital information based on the type to one or more secondary devices (Paragraph [0024] figures 1 and 6; distributing content, e.g. video files, audio files, photos, etc, to devices 16 based on file type and device capabilities)

coupled to a computing device detected by the routing software (Paragraphs [0023] [0036] figure 5; determined device status information, steps 120 and 130).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as taught by Balog, for the purpose of allowing the distribution of content to external devices which are best suited for processing the content, and even allowing users to set preference tables for user convenience and manageability of content.

Regarding **claim 5**, Huang and Balog disclose the apparatus as claimed in claim 1; moreover, Huang discloses that the digital information comprises media content including music, videos, and data (Paragraph [0016]).

Regarding **claim 6**, Huang and Balog disclose the apparatus as claimed in claim 1; moreover, Huang disclose that the controller utilizes a routing table to route the digital information (Paragraph [0021] also exhibited on fig 3; content is automatically distributed to different destination paths within memory; i.e. folders, depending on the file type).

However it is noted that Huang is silent to explicitly disclose utilizing a routing table to route the digital information.

Nevertheless, in a similar field of endeavor Balog discloses utilizing a routing table to route digital information (Paragraphs [0031] [0034]; user may define a list of

preferred devices and create a mapping of the type of content that should be routed to each devices).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as taught by Balog, for the purpose of allowing the distribution of content to external devices which are best suited for processing the content, and even allowing users to set preference tables for user convenience and manageability of content.

Regarding **claim 7**, Huang and Balog disclose the apparatus as claimed in claim 6; moreover, Huang disclose that the routing table further comprises a file type column and a memory location column (Paragraph [0021] also exhibited on fig 3, the location, i.e. folder, of each data type depends and corresponds to the data type). Furthermore, Balog also discloses that the routing table comprises a file type column and a location column (Paragraphs [0031] [0034]; user may define a list of preferred devices and create a mapping of the type of content that should be routed to each devices).

Regarding **claim 8**, Huang and Balog disclose the apparatus as claimed in claim 6; moreover, Huang disclose that the routing table utilizes meta data information within the digital information to route the digital information (Paragraphs [0016] [0020] and [0021] also exhibited on fig 3).

Regarding **claim 9**, Huang and Balog disclose the apparatus as claimed in claim 6; moreover, Huang disclose that the routing is user-defined (Paragraphs [0025] and [0026]). Furthermore, Balog also discloses that the routing table may be user defined (Paragraphs [0031] [0034]; user may define a list of preferred devices and create a mapping of the type of content that should be routed to each devices).

Regarding **claim 11**, Huang and Balog disclose the apparatus as claimed in claim 1; however, it is noted that Huang fails to explicitly disclose that the secondary devices include one or more of an mp3 player, a video recorder, and a handheld.

Nevertheless, in a similar field of endeavor Balog discloses that secondary devices include one or more of an mp3 player, a video recorder, and a handheld (Paragraph [0022] figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as taught by Balog, for the purpose of supporting different types of content to be processed by the same device, which would motivate the user to buy a device capable of multitasking, sorting and distributing different types of data implementing the same device.

Regarding **claim 12**, Huang discloses an apparatus for automatically routing digital information from a computing device to one or more memory locations (Paragraph [0016]), comprising:

an interface coupled to receive downloaded digital information having a type (Paragraph [0018]);

storage device coupled to the interface to store the digital information (Paragraphs [0016] [0021] also exhibited on fig 3);

a controller coupled to the storage device to automatically determine which type of digital information is routed to which memory location (Paragraphs [0016] [0021] also exhibited on figures 3 and 4);

a controller coupled to the storage device to automatically distribute the digital information to the one or more memory locations based on the type (Paragraphs [0016] [0021] also exhibited on fig 3).

However it is noted that Huang fails to explicitly disclose a routing software to compare the type with a set of values that determine where the digital information is to be transmitted; and a controller to selectively transmit digital information based on the type to one or more secondary devices coupled to a computing device detected by the routing software.

Nevertheless, in a similar field of endeavor Balog discloses a routing software to compare the type with a set of values that determine where the digital information is to be transmitted (Paragraphs [0030] [0031] [0040] figure 6; routing content in a local

network of figure 6 by implementing a dynamic routing which correlates the content to device profile values 28);

and a controller to selectively transmit digital information based on the type to one or more secondary devices (Paragraph [0024] figures 1 and 6; distributing content, e.g. video files, audio files, photos, etc, to devices 16 based on file type and device capabilities)

coupled to a computing device detected by the routing software (Paragraphs [0023] [0036] figure 5; determined device status information, steps 120 and 130).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as taught by Balog, for the purpose of allowing the distribution of content to external devices which are best suited for processing the content, and even allowing users to set preference tables for user convenience and manageability of content.

Regarding **claims 16, 17, 18, 19, 20 and 21**, Huang and Balog disclose all the limitations of claims 16, 17, 18, 19, 20 and 21; therefore, claims 16, 17, 18, 19, 20 and 21 are rejected for the same reasons stated in claims 5, 6, 7, 8, 9 and 11, respectively.

Regarding **claims 22, 26, 27, 28, 29 and 30**, Huang and Balog disclose all the limitations of claims 22, 26, 27, 28, 29 and 30; therefore, claims 22, 26, 27, 28, 29 and 30 are rejected for the same reasons stated in claims 12, 5, 7, 8, 9 and 11, respectively.

Regarding **claim 41**, Huang discloses a method for routing digital information from a computing device to one or more memory locations (Paragraph [0016]), comprising:

receiving the digital information having the type (Paragraph [0018]);

automatically sorting the digital information based on the type (Paragraphs [0016] [0021] also exhibited on fig 3);

and automatically distributing the digital information to a corresponding one or more of the memory locations based on the type (Paragraphs [0016] [0021] fig 3).

However it is noted that Huang fails to explicitly disclose routing digital information based on a routing software that compares a type with a set of values that determine where the digital information is to be transmitted; transmitting the digital information based on the type to a corresponding one or more secondary device coupled to the computing device detected by a routing software.

Nevertheless, in a similar field of endeavor Balog discloses routing digital information based on a routing software that compares a type with a set of values that determine where the digital information is to be transmitted (Paragraphs [0030] [0031] [0040] figure 6; routing content in a local network of figure 6 by implementing a dynamic routing which correlates the content to device profile values 28);

transmitting the digital information based on the type to a corresponding one or more secondary device (Paragraph [0024] figures 1 and 6; distributing content, e.g. video files, audio files, photos, etc, to devices 16 based on file type and device capabilities)

coupled to the computing device detected by a routing software (Paragraphs [0023] [0036] figure 5; determined device status information, steps 120 and 130).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as taught by Balog, for the purpose of allowing the distribution of content to external devices which are best suited for processing the content, and even allowing users to set preference tables for user convenience and manageability of content.

Regarding **claim 52**, Huang and Balog disclose all the limitations of claim 52; therefore, claim 52 is rejected for the same reasons stated in claims 1 and 5.

Regarding **claim 53**, Huang and Balog disclose all the limitations of claim 53; therefore, claim 53 is rejected for the same reasons stated in claims 41 and 5.

Regarding **claim 54**, Huang and Balog disclose all the limitations of claim 54; therefore, claim 54 is rejected for the same reasons stated in claims 12 and 16.

6. **Claims 2, 13, 23, 31 – 33, 37, 40 and 42** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Balog further in view of Malek et al (Patent No US 6,253,207). Hereinafter referenced as Malek.

Regarding **claim 2**, Huang and Balog disclose the apparatus as claimed in claim 1; however, it is noted that Huang and Balog fail to explicitly disclose that the digital information is downloaded from a server to the storage device.

In a similar field of endeavor Malek discloses that the digital information is downloaded from a server to the storage device (Server [120] may be embodied as a file server, a music server or a video server, column 4 lines 46-51 figures 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Malek, for the purpose of providing an external source of information which has the potential to provide enormous amounts of data which can be requested by the user at any time.

Regarding **claims 13 and 23**, Huang, Balog and Malek disclose all the limitations of claims 13 and 23; therefore, claims 13 and 23 are rejected for the same reasons stated in claim 2.

Regarding **claim 31**, Huang discloses a network of devices for automatically routing digital information (Paragraph [0016]), comprising:

a computing device for obtaining and routing the digital information based on the type (Paragraphs [0016] [0018] [0021] also exhibited on figures 3 and 4);

one or more memory locations for receiving the digital information from the computing device (Paragraphs [0016] [0021] also exhibited on figures 3 and 4).

However it is noted that Huang fails to explicitly disclose a routing software to compare a type with a set of values that determine where the digital information is to be transmitted; one or more secondary devices coupled to the computing device detected by the routing software for receiving the digital information.

Nevertheless, in a similar field of endeavor Balog discloses a routing software to compare a type with a set of values that determine where the digital information is to be transmitted (Paragraphs [0030] [0031] [0040] figure 6; routing content in a local network of figure 6 by implementing a dynamic routing which correlates the content to device profile values 28);

one or more secondary devices coupled to the computing device (Paragraph [0024] figures 1 and 6; distributing content, e.g. video files, audio files, photos, etc, to devices 16 based on file type and device capabilities)

detected by the routing software for receiving the digital information (Paragraphs [0023] [0036] figure 5; determined device status information, steps 120 and 130).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as

taught by Balog, for the purpose of allowing the distribution of content to external devices which are best suited for processing the content, and even allowing users to set preference tables for user convenience and manageability of content.

However it is noted that Huang and Balog fail to explicitly disclose a computing device coupled to the server, the server including digital information.

Nevertheless, in a similar field of endeavor Malek discloses a computing device coupled to the server, the server including digital information (Server [120] may be embodied as a file server, a music server or a video server, where the multimedia traffic handler [400] routes data; column 4 lines 46-51 also exhibited on figures 1, 3 and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Malek, for the purpose of providing an external source of information which has the capabilities of transmitting vast amounts of data to different users.

Regarding **claims 32, 33 and 40**, Huang, Balog and Malek disclose all the limitations of claims 32, 33 and 40; therefore, claims 32, 33, 34 and 40 are rejected for the same reasons stated in claims 5, 1 and 11, respectively.

Regarding **claim 37**, Huang, Balog and Malek disclose the network of devices as claimed in claim 31; moreover, Huang discloses that the computing device is a personal

computer (Paragraphs [0016] [0029]). Furthermore, Balog also discloses that the computing device is a personal computer (Paragraph [0040]).

Regarding **claim 42**, Huang, Balog and Malek disclose all the limitations of claim 42; therefore, claim 42 is rejected for the same reasons stated in claim 2.

7. **Claims 3, 4, 14, 15, 24 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Balog further in view of Mercer et al (Patent No US 7,043,477). Hereinafter referenced as Mercer.

Regarding **claim 3**, Huang and Balog disclose the apparatus as claimed in claim 1; however, it is noted that Huang and Balog fail to explicitly disclose that the storage device is a hard disk drive.

Nevertheless, in a similar field of endeavor Mercer discloses that the storage device is a hard disk drive (A computer includes a hard disk drive [154] for storage, column 17 lines 48-64 also exhibited on figure 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Mercer, for the purpose of providing non-volatile storage that will store content.

Regarding **claim 4**, Huang and Balog disclose the apparatus as claimed in claim 1; however, it is noted that Huang and Balog fail to explicitly disclose that the storage device is a semiconductor memory.

Nevertheless, in a similar field of endeavor Mercer discloses that the storage device is a semiconductor memory (A computer includes a system memory [134] which consist of ROM [138] and RAM [140], column 17 lines 34-47 figure 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Mercer, for the purpose of providing volatile storage that will momentarily store or buffer data in order to allow a computer system to process information efficiently.

Regarding **claims 14 and 15**, Huang, Balog and Mercer disclose all the limitations of claims 14 and 15; therefore, claims 14 and 15 are rejected for the same reasons stated in claims 3 and 4, respectively.

Regarding **claims 24 and 25**, Huang, Balog and Mercer disclose all the limitations of claims 24 and 25; therefore, claims 24 and 25 are rejected for the same reasons stated in claims 3 and 4, respectively.

8. **Claims 10, 43, 44, 45 and 47 – 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Balog further in view of Robbin et al (Pub No US 2003/0167318). Hereinafter, referenced as Robbin.

Regarding **claim 10**, Huang and Balog disclose the apparatus as claimed in claim 1; moreover, Balog discloses that a controller that detects one or more secondary devices (Paragraphs [0023] [0036] [0038] figure 5; determined device status information, steps 120 and 130).

However it is noted that Huang and Balog are silent to explicitly disclose automatically detecting one or more secondary devices.

Nevertheless, in a similar field on endeavor Robbin discloses automatically detecting one or more secondary devices (Paragraphs [0010] [0031]; detecting device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Robbin, for the purpose of automatically updating and transferring the new content, which allows the device to self update every time it gets connected to a computer, saving a lot of time to the user.

Regarding **claim 43**, Huang, Balog and Robbin disclose all the limitations of claim 43; therefore, claim 43 is rejected for the same reasons stated in claim 10.

Regarding **claim 44**, Huang and Balog disclose the apparatus as claimed in claim 41; however, it is noted that Huang and Balog fail to explicitly disclose storing the digital information in the computing device until the corresponding one or more of the secondary devices is coupled to the computing device.

Nevertheless, in a similar field of endeavor Robbin discloses storing the digital information in the computing device until the corresponding one or more of the secondary devices is coupled to the computing device (Paragraph [0033] fig 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Robbin, for the purpose of automatically updating and transferring the new content, which allows the device to self update every time it gets connected to a computer, saving a lot of time to the user.

Regarding **claim 45**, Huang discloses a method for routing digital information from a computing device to one or more memory locations (Paragraph [0016]), comprising:

receiving the digital information having a type (Paragraph [0018]);

automatically sorting the digital information based on the type (Paragraphs [0016] [0021] also exhibited on fig 3);

and automatically distributing the digital information to a corresponding one or more of the memory locations based on the type (Paragraphs [0016] [0021] fig 3).

However it is noted that Huang fails to explicitly disclose detecting secondary devices coupled to the computing device by a routing software that compares the type with a set of values that determine where the digital information is to be transmitted; and transmitting the digital information to a corresponding one or more secondary device.

Nevertheless, in a similar field of endeavor Balog discloses detecting secondary devices coupled to the computing device (Paragraphs [0023] [0036] figure 5; determined device status information, steps 120 and 130)

by a routing software that compares the type with a set of values that determine where the digital information is to be transmitted (Paragraphs [0030] [0031] [0040] figure 6; routing content in a local network of figure 6 by implementing a dynamic routing which correlates the content to device profile values 28);

and transmitting the digital information to a corresponding one or more secondary device (Paragraph [0024] figures 1 and 6; distributing content, e.g. video files, audio files, photos, etc, to devices 16 based on file type and device capabilities).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang by specifically providing such element, as taught by Balog, for the purpose of allowing the distribution of content to external devices which are best suited for processing the content, and even allowing users to set preference tables for user convenience and manageability of content.

However it is noted that Huang and Balog are silent to explicitly disclose automatically detecting secondary devices.

Nevertheless, in a similar field on endeavor Robbin discloses automatically detecting secondary devices (Paragraphs [0010] [0031]; detecting device).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang and Balog by specifically providing such element, as taught by Robbin, for the purpose of automatically updating and transferring the new content, which allows the device to self update every time it gets connected to a computer, saving a lot of time to the user.

Regarding **claims 47, 48, 49 and 50**, Huang, Balog and Robbin disclose all the limitations of claims 47, 48, 49 and 50; therefore, claims 47, 48, 49 and 50 are rejected for the same reasons stated in claim 44.

9. **Claims 34 and 51** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang, Balog and Malek further in view of Robbin.

Regarding **claim 34**, Huang, Balog, Malek and Robbin disclose all the limitations of claim 34; therefore, claim 34 is rejected for the same reasons stated in claim 10.

Regarding **claim 51**, Huang, Balog, Malek and Robbin disclose all the limitations of claim 51; therefore, claim 51 is rejected for the same reasons stated in claim 44.

10. **Claims 35, 36, 38 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang, Balog, Malek further in view of Mercer.

Regarding **claims 35 and 36**, Huang, Balog and Mercer disclose all the limitations of claims 35 and 36; therefore, claims 35 and 36 are rejected for the same reasons stated in claims 3 and 4, respectively.

Regarding **claim 38**, Huang, Balog and Malek disclose the network of devices as claimed in claim 31; however, it is noted that Huang, Balog and Malek fail to explicitly disclose that the computing device is a set-top box.

Nevertheless, in a similar field of endeavor Mercer discloses that the computing device is a set-top box (Computer [130] can also be a set top box, column 19 lines 10-28 also exhibited on figure 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang, Balog and Malek by specifically providing such element, as taught by Mercer, for the purpose of providing more advertisement flexibility from a sales point of view, in other words, using a set top box as a data sorter would allow more marketability due to the additional functions that such device could be able to process.

Regarding **claim 39**, Huang, Balog and Malek disclose the network of devices as claimed in claim 31; however, it is noted that Huang, Balog and Malek fail to explicitly disclose that the computer device further comprises a modem device for coupling to the server.

Nevertheless, in a similar field of endeavor Mercer discloses that the computer device further comprises a modem device for coupling to the server (Computer [130] includes a modem [178] for establishing communication over a network, column 18 lines 40-55 also exhibited on figure 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang, Balog and Malek by specifically providing such element, as taught by Mercer, for the purpose of providing a way to communicate to different remote server over long distances at reasonable speeds, which allows a user to transmit and receive data as needed.

11. **Claim 46** is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang, Balog and Robbin further in view of Malek.

Regarding **claim 46**, Huang, Balog, Robbin and Malek disclose all the limitations of claim 46; therefore, claim 46 is rejected for the same reasons stated in claim 2.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 2423

/J. O. M./
December 14, 2009

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423